

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

BABY DOE, <i>et al.</i>)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	Case No. 3:22-cv-49-NKM
)	
JOSHUA MAST, <i>et al.</i>)	
)	
<i>Defendants,</i>)	
)	
and)	
)	
UNITED STATES SECRETARY OF)	
STATE ANTONY BLINKEN, <i>et al.</i> ,)	
)	
<i>Nominal Defendants.</i>)	
)	

DEFENDANT RICHARD MAST’S NOTICE OF SUPPLEMENTAL AUTHORITY

Insofar as Plaintiffs have made reference to, and have filed as “supplemental authority” with this Court, the Virginia state court order ruling on the adoption order (*see, e.g.*, Dkt. Nos. 198-99, 202 and 211), we provide the following supplemental authority in the same vein: the Virginia Circuit Court’s recent determination (May 12, 2023) that its previous order of May 3, 2023 on the Motion for Summary Judgment voiding the final adoption order in that case is not final; rather, it is interlocutory and subject to appeal (attached hereto as Ex. 1). Moreover, the Circuit Court’s interlocutory adoption order remains in place as well as the Juvenile & Domestic Relations Court’s custody order. Further, the court refused Plaintiff’s request for custody of this child. The Circuit Court, following appellate review of its decisions, during which time the effect of the May 3 Order is stayed, will eventually “make a final determination as to the best interest of this child,” assuming the Virginia appellate review does not terminate the adoption challenge with a dismissal.

Furthermore, on April 27, 2023, immediately prior to the Circuit Court's orders of May 12, when the Circuit Court made clear its opinion was interlocutory and subject to appeal so that the Supreme Court of Virginia could take up the issues in the matter, the Supreme Court of Virginia asked the parties to brief the question as to the finality/interlocutory nature of the Circuit Court's decision (attached hereto as Ex. 2). That question appears to have been answered by the Circuit Court itself.

Dated: May 19, 2023

Respectfully submitted,

/s/ David Yerushalmi

David Yerushalmi, Esq.*

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Counsel for Defendant Richard Mast

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of May, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing to all CM/ECF participants.

By: /s/ David Yerushalmi
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